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January 30, 2012

Mark J. Langer, Clerk
United States Court of Appeals for the
District of Columbia Circuit
E. Barrett Prettyman U.S. Courthouse
333 Constitution Avenue, N.W.
Washington, D.C. 20001-2866

Received & Inspected
FEB - 6 2012
FCC Mail Room

Dear Mr. Langer:

Transmitted herewith jointly on behalf of Nex-Tech Wireless, LLC and Cellular Network Partnership (the "Petitioners") are the original and three copies of their Petition for Review of the Report and Order and Further Notice of Proposed Rulemaking ("Order") issued by the Federal Communications Commission ("FCC") in WC Docket No. 10-90, GN Docket No. 09-51, WC Docket No. 07-135, WC Docket No. 05-337, CC Docket No. 01-92, CC Docket No. 96-45, WC Docket No. 03-109, and WT Docket No. 10-208. Also enclosed are the Petitioners' Corporate Disclosure Statements and a check in the amount of \$450 payable to the Clerk of the Court of Appeals.

Please note that the United States Judicial Panel on Multidistrict Litigation has consolidated proceedings to review the Order with the United States Court of Appeals for the Tenth Circuit. The Petitioners have instituted this proceeding with the Court pursuant to 28 U.S.C. §§ 2342(1) and 2343 for transfer to the Tenth Circuit pursuant to 28 U.S.C. § 2112(a)(5).

Should any questions arise with respect to this matter, please direct them to the undersigned.

Very truly yours

Russell D. Lukas

## UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

NEX-TECH WIRELESS, LLC and		
CELLULAR NETWORK PARTNERSHIP, ) A LIMITED PARTNERSHIP )		Received & Inspected
Petitioners, )		FEB - 6 2012 FCC Mall Room
v. )	Case No.	
FEDERAL COMMUNICATIONS )	Cuso I to.	
COMMISSION and		
UNITED STATES OF AMERICA,		
)		
Respondents.		

### PETITION FOR REVIEW

Nex-Tech Wireless, LLC ("Nex-Tech Wireless") and Cellular Network Partnership, A Limited Partnership ("Cellular Network Partnership"), jointly petitions the Court for review of the Report and Order and Further Notice of Proposed Rulemaking ("Order") issued by the Federal Communications Commission ("FCC") in WC Docket No. 10-90, GN Docket No. 09-51, WC Docket No. 07-135, WC Docket No. 05-337, CC Docket No. 01-92, CC Docket No. 96-45, WC Docket No. 03-109, and WT Docket No. 10-208. The Order was entered on November 18, 2011 and published in the Federal Register on November 29, 2011.

Petitions for review of the Order were consolidated in the United States Court of Appeals for the Tenth Circuit by the United States Judicial Panel on Multidistrict Litigation acting pursuant to 28 U.S.C. § 2112(a)(3). *See* Consolidation Order, Case MCP No. 108 (Dec. 14, 2011). Petitioners have instituted this proceeding with the Court pursuant to 28 U.S.C. §§ 2342(1) and 2343 for transfer to the Tenth Circuit pursuant to 28 U.S.C. § 2112(a)(5).

Petitioners maintain that the FCC's decision in its Order is arbitrary and capricious, contrary to statute without record support, a departure from reasoned decisionmaking, and otherwise unlawful. Petitioners therefore respectfully request a court order that vacates, enjoins, and sets aside the Order and remands the matter to the FCC with appropriate instructions.

Respectfully submitted,

Russell D. Lukas

David L. Nace

Todd B. Lantor

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## UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

NEX-TECH WIRELESS, LLC and	)	
CELLULAR NETWORK PARTNERSHIP, A LIMITED PARTNERSHIP	)	Received & Inspected FEB - 6 2012
Petitioners,	)	FCC Mail Room
v.	) Case	e No.
FEDERAL COMMUNICATIONS COMMISSION and UNITED STATES OF AMERICA	) ) )	
Respondents.	)	

#### CORPORATE DISCLOSURE STATEMENT

Nex-Tech Wireless, LLC ("Nex-Tech Wireless") and Cellular Network Partnership, A Limited Partnership ("Cellular Network Partnership"), by its attorneys and pursuant to D.C. Cir. Rule 26.1, hereby submit the following disclosure statements:

Nex-Tech Wireless is a privately-held Kansas limited liability company that provides wireless telecommunications services in Kansas. Only the following two entities, hold at least a 10 percent interest in Nex-Tech Wireless:

1. Rural Telephone Service Company, Inc. ("Rural Telephone"), a Kansas corporation, owns a 47.5% interest in Nex-Tech Wireless.

 Golden Belt Telephone Association, Inc., a Kansas corporation, owns a 47.5% interest in Nex-Tech Wireless.

Cellular Network Partnership is a privately-held Oklahoma limited partnership that provides wireless telecommunications services in Kansas and Oklahoma. Only the following two entities own at least a 10 percent interest in Cellular Network Partnership:

- O.T. & T. Communications, Inc. ("OT&T"), an Oklahoma corporation, owns a 58.05% interest in Cellular Network Partnership. OT&T is a wholly-owned subsidiary of Pioneer Telephone Cooperative, Inc. ("Pioneer"). Pioneer is an Oklahoma corporation that is organized as a cooperative. No owner of Pioneer owns more than a 1 percent ownership interest in Pioneer.
- 2. South Central Communications, Inc. ("South Central"), a Kansas corporation, owns a 10.11% interest in Cellular Network Partnership. South Central is a wholly-owned subsidiary of South Central Telephone Association, Inc. ("SC Telephone"). SC Telephone is a Kansas corporation that is organized as a cooperative. No owner of SC Telephone owns more than a 1 percent ownership interest in SC Telephone.

Respectfully submitted,

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Attorneys for Nex-Tech Wireless, LLC and Cellular Network Partnership, A Limited Partnership

January 30, 2012

#### CERTIFICATE OF SERVICE

I hereby certify that on this 30th day of January, 2012, I have filed the above and foregoing with the Clerk of the Court and have provided copies to the following by hand delivery:

Eric H. Holder, Jr.
Attorney General
U.S. DEPARTMENT OF JUSTICE
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